

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

BILL NO. 09-35

Introduced by Council President Boniface at the request of the County Executive

Legislative Day No. 09-31 Date November 3, 2009

AN EMERGENCY ACT to repeal Subsection D(1), Recall, of Section 38-36, Reduction in force, and to add new Subsection E, Recall, to Section 38-36, Reduction in force, of Article IV, Classified Service, of Chapter 38, Personnel, of the Harford County Code, as amended; to provide the procedure for recall of employees who were separated from service as part of a reduction in force; to permit employees on layoff to occupy certain grant-funded or nonstandard positions without affecting recall rights; and generally relating to recall from a reduction in force.

By the Council, November 3, 2009

Introduced, read first time, ordered posted and public hearing scheduled

on: December 1, 2009

at: 6:00 pm

By Order: Barbara J. O'Connor, Council Administrator

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on December 1, 2009, and concluded on December 1, 2009.

Barbara J. O'Connor, Council Administrator

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

1 Section 1. Be It Enacted By The County Council of Harford County, Maryland that Subsection
2 D(1), Recall, of Section 38-36, Reduction in force, be, and it is hereby, repealed; and that new
3 Subsection E, Recall, be, and it is hereby, added to Section 38-36, Reduction in force, of Article IV,
4 Classified Service, of Chapter 38, Personnel, of the Harford County Code, as amended, all to read as
5 follows:

6 **Chapter 38. Personnel**

7 **Article IV. Classified Service**

8 **§ 38-36. Reduction in force.**

9 D. Prior to the reduction in force, the number of positions by job title shall be submitted to the
10 Director of Human Resources, who shall review and determine the action to be taken, subject
11 to the approval of the Personnel Advisory Board.

12 [(1) Recall.

13 (a) Employees shall be recalled from layoff in reverse order from their separation
14 from service.

15 (b) Employees recalled shall be paid at the same grade and step in effect at the
16 time of their displacement.

17 (c) No new employees shall be hired until employees on layoff status, capable of
18 performing the duties assigned, have been offered the opportunity to return.]

19 E. RECALL.

20 (1) NO NEW EMPLOYEES, UNLESS OTHERWISE PROVIDED HEREIN, SHALL
21 BE HIRED UNTIL EMPLOYEES ON LAYOFF STATUS WHO ARE QUALIFIED
22 TO PERFORM THE DUTIES ASSIGNED HAVE BEEN OFFERED THE
23 OPPORTUNITY TO RETURN.

24 (2) EMPLOYEES SHALL BE RECALLED FROM LAYOFF IN REVERSE ORDER

1 FROM THEIR SEPARATION FROM SERVICE. HOWEVER,
2 CLASSIFICATIONS AVAILABLE WITHIN A BARGAINING UNIT SHALL BE
3 FIRST OFFERED TO DISPLACED EMPLOYEES WITHIN THAT BARGAINING
4 UNIT, REGARDLESS OF DATE OF SEPARATION FROM SERVICE.

5 (3) ANY RECALLED EMPLOYEE SHALL BE SUBJECT TO THE TERMS AND
6 CONDITIONS OF THE RECALLED CLASSIFICATION.

7 (4) AN EMPLOYEE RECALLED INTO A CLASSIFICATION IN THE SAME
8 GRADE AS THE CLASSIFICATION FROM WHICH DISPLACED SHALL BE
9 PAID AT THE SAME HOURLY RATE IN EFFECT AT THE TIME OF THE
10 EMPLOYEE'S DISPLACEMENT.

11 (5) AN EMPLOYEE RECALLED INTO A CLASSIFICATION OF A LESSER
12 GRADE THAN THE GRADE FROM WHICH DISPLACED SHALL BE PAID AT
13 EITHER THE HOURLY RATE IN EFFECT AT THE TIME OF THE
14 EMPLOYEE'S DISPLACEMENT OR THE MAXIMUM HOURLY RATE FOR
15 THE LESSER GRADE, WHICHEVER IS LOWER.

16 (6) ANY EMPLOYEE RECALLED MAY REQUEST WITHIN 120 CALENDAR
17 DAYS OF RECALL TO BE SEPARATED FROM SERVICE AND PLACED
18 BACK ON THE RECALL LIST. THE EMPLOYEE SHALL RETAIN THE
19 ORIGINAL DATE OF SEPARATION FROM SERVICE. AN EMPLOYEE WHO
20 ELECTS TO RETURN TO THE RECALL LIST SHALL NOT BE ELIGIBLE FOR
21 RECALL UNTIL ALL OTHER ELIGIBLE EMPLOYEES ON THE RECALL LIST
22 ARE OFFERED THE OPPORTUNITY TO RETURN.

23 (7) A DISPLACED EMPLOYEE'S RIGHT TO RECALL SHALL NOT EXCEED 3
24 YEARS FROM THE ORIGINAL DATE OF SEPARATION FROM SERVICE.

(8) NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, THE FOLLOWING PROVISIONS SHALL APPLY TO A GRANT-FUNDED OR NONSTANDARD POSITION, WHICH IS DEFINED AS A NONCLASSIFIED POSITION THAT DOES NOT HAVE REGULARLY SCHEDULED HOURS, A POSITION THAT IS SEASONAL IN NATURE OR A POSITION THAT IS REGULARLY SCHEDULED FOR 20 HOURS PER WEEK OR LESS:

(A) IF OFFERED, THE ACCEPTANCE OF SUCH A POSITION SHALL NOT CONSTITUTE A RECALL AND SHALL NOT REMOVE THE DISPLACED EMPLOYEE FROM THE RECALL LIST.

(B) THE TERMS AND CONDITIONS OF SUCH POSITIONS, INCLUDING BUT NOT LIMITED TO STATUS, SALARY AND BENEFITS, SHALL APPLY.

(C) THE LOSS OF RECALL RIGHTS SHALL OCCUR ONLY FOR MISCONDUCT AS DEFINED IN SECTION 38-43G OF THE HARFORD COUNTY CODE, AS AMENDED. THE DECISION TO REMOVE AN EMPLOYEE FROM THE RECALL LIST SHALL BE DETERMINED BY THE PERSONNEL ADVISORY BOARD BASED ON WRITTEN ARGUMENT.

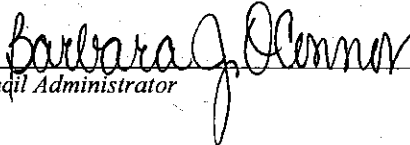
Section 2. And Be It Further Enacted that this Act shall be construed retroactively and shall be applied to and interpreted to affect employee layoffs on or after July 1, 2009.

Section 3. And Be It Further Enacted that this Act is hereby declared to be an emergency act necessary so that vacancies in a grant-funded Parks and Recreation program can be filled without exceeding the available grant money and so that the program can continue without a break in operation to ensure the health, safety and welfare of County citizens and this Act shall take effect on the date it

1 becomes law.

EFFECTIVE: December 4, 2009

*The Council Administrator does hereby certify that
fifteen (15) copies of this Bill are immediately available for
distribution to the public and the press.*



Council Administrator

HARFORD COUNTY BILL NO. 09-35

Brief Title Personnel Recall Procedures

is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT

Barbara J. O'Connor
Council Administrator

Date December 1, 2009

ENROLLED

Billy Boniface
Council President

Date December 1, 2009

BY THE COUNCIL

Read the third time.

Passed: LSD 09-34

Failed of Passage: _____

By Order

Barbara J. O'Connor
Council Administrator

Sealed with the County Seal and presented to the County Executive for approval this 2nd day of December, 2009 at 3:00 p.m.

Barbara J. O'Connor
Council Administrator

BY THE EXECUTIVE

David R. Craig
COUNTY EXECUTIVE

APPROVED: Date December 4, 2009

BY THE COUNCIL



This Bill No. 09-35 having been approved by the Executive and returned to the Council, becomes law on December 4, 2009

EFFECTIVE DATE: December 4, 2009

Barbara J. O'Connor
Barbara J. O'Connor,
Council Administrator